

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Civil Action No.
03 MDL 1570 (GBD) (FM)**

*This document applies to
Hoglan, et al. v. The Islamic Republic
of Iran, et al.
1:11-cv-07550-GBD*

DECLARATION OF JAMES MANDELINO

I, James Mandelino, declare under penalty of perjury, pursuant to 28 U.S.C §1746, that the following is true and correct to the best of my knowledge, information and belief.

1. I am a resident of the State of New Jersey and a citizen of the United States of America.

I am over the age of eighteen.
2. The information contained in this Declaration is true and is based upon my personal knowledge.
3. I present this Declaration to explain the nature of my relationship to my brother-in-law, Joseph D. Mistrulli, who was killed in the 9/11 terrorist attacks, and, in particular, to demonstrate that this relationship was the functional equivalent of a brotherly, or sibling immediate family relationship.
4. I was 15 years old when my sister, Philomena, married Joe, as he was called, in December of 1978. The following July, 26, 1979, my nephew, Joseph, was born to them. At the time, Philomena and her husband, Joe, lived in an apartment on East 56th Street in Brooklyn, New York. Approximately 1.5 years after Joseph was born, on

September 7, 1980, my niece, Maryann, was born. During those first 2 years, my parents and my other siblings lived in an apartment on East 22nd in Brooklyn. We were at my sister's apartment a few times a week because my mother, who was a stay-at-home mom, was helping my sister with the 2 kids.

5. My parents owned a catering hall at that time where Joe and I would often work. He was a bartender and I was a waiter/dishwasher.
6. In 1980, my parents purchased a 3-bedroom split level house at 1513 Pea Pond Road in Bellmore, New York. My parents and I, along with my other siblings, Michael, Maryann, and Jennie, moved into the home. Soon after, my sister Philomena, Joe, and the two kids moved into the basement. It was a small house with only 1½ baths.
7. In the summer of 1984, my niece Angela was born. In the time that passed, Joe and I had renovated the basement, turned half the attached garage into a bedroom and increased the ½ bath into a ¾ bath. Thus, Philomena and Joe and their kids lived with the rest of us for more than ten years, during which time we were truly all immediate family. It was not until the early 1990's that my sister and Joe were able to move out and get a home of their own, which was, still, just around the corner from my parents house where the kitchen table still remained the center of our universe.
8. Growing up in the same house as Joe for over 10 years and then living around the corner from Joe, my sister, and the kids created a bond between Joe and I. He was like the older brother I had not had before. Not having a family of my own made my sister, Joe and the kids more important to me. These were very formative and important years of our lives, and we truly became, in every sense, the functional equivalents of brothers. We lived, worked, and played together; we planned our futures together. I looked up to

him, and he reached out to me, on a regular basis, for the kinds of things that brothers do together, hope for together, work for together, help each with, and try to accomplish. He was, to me, everything I ever thought an older brother was supposed to be.

9. Joe was a union carpenter. The 1980's were a time for me of finding my place in life and what I wanted to do with my life. After graduating college in the summer of 1985, I would help my uncle in his construction company. I went on, in 1988, to start my own construction company. Many times Joe and I would discuss business and work. Many of times, he would help me at work. Many of times, I would help him with projects around his house. He was always someone who you could bounce ideas off of. Someone you can rely on and someone who you knew would always be there. Joe wasn't an "in-law," but a brother in all the real life ways that I can even think of. If I had a problem, a project, or task that I needed help with, I went to Joe. If I had a good thing going that I wanted to share with the guy that I was closest to, I went to Joe. And he always responded like a blood brother would. I knew I could count on him, and he knew he could count on me. That's not a brothers-in-law relationship, that's what real brothers do.
10. I remember when Philomena and Joe decided to add a 2nd floor to their home. My Father decided to take the shingles off the roof one day and then call me because the roof was leaking. I was there the next day with Michael and a couple of guys adding their 2nd floor. I supplied all my labor for free. My mother told me that I should be charging Joe and Philomena like they were customers and if they didn't have the money to pay, you then should give them a loan secured by their house, just in case they get divorced. I told my mother I cannot do that. Joe and Philomena are both family. I would never do

for one without doing for the other. Especially after all he has done for me, I have the upmost respect and love for the Joe.

11. He would always be the cook at the BBQ's. He made great lasagna. He was always Santa every Christmas with his red Santa suit. We always sang happy birthday to him on Christmas Eve. He was always there for every birthday and every gathering big or small. He was a permanent member of our daily dinner table. His Love, Dedication, Loyalty, and Participation in this family helped shape and define our lives.
12. The last time I saw Joe was the Sunday before 9/11. He was working by his house. He was having a problem understanding how to finish around his whirlpool tub. I stopped by to see him and talk about how it should be done.
13. I remember the day the towers were attacked. I was working in Staten Island, New York. When I was told to turn on the TV, I saw the two towers burning. Those poor people were jumping. Then I remembered Joe was working at Windows On The World. I remember saying to myself, I hope he is not there and if he is, I hope the firemen get to him. Then I called my sister. She didn't hear from him. Unfortunately, I was stuck in S.I., New York, for two days watching the smoke from downtown, powerless to do anything because the bridges were closed.
14. I remember thinking the days after, maybe he will be one of few that they find. It was never to be. I lost my brother, and a friend. It would be up to me now to help fill his shoes and to be there for my sister and the kids.
15. The irony of it is that Joe was afraid of heights his whole life, afraid to go on a scaffold or a 6 foot ladder. But he did confront his fears with caution, like he knew the way he was going meet the end of his life. In the years after his tragic death, I would always think

the worst when in tall buildings and public places. What if?

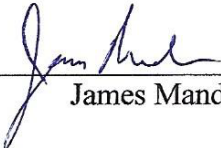
16. My younger Brother Michael Mandelino, who was 9 years my junior, who unfortunately passed in 2014, was influenced greatly by Joe. He also lived in the same household as Joe from the age of 8 until 19 and then around the corner from him from 19 until 9/11. He followed in his footsteps and became a union carpenter and often worked with him on many union jobs. At one point in the early 90's I was able to hire both Joe and Michael as sub contractors on a commercial job I was doing at the time. I let them both take an equal role in doing the job because I look at them as both equals in my eyes. Joe was able to teach Michael about many things about being a union carpenter, things that I had to learn from Joe too. Many a times Michael, Joe, my dad and I would work on Jobs together and the topic at the dinner table would be work. Occasionally, my sister Jennie would even help out on the jobs because she is a gifted carpenter. I know that both Michael and I look up to Joe with love and respect. I saw in Michael a lot of Joe's traits. Michael was also involved in the clean-up efforts at Ground Zero. He was also involved in helping my sister Philomena and kids in years following Joe's death. Michael was never the same after Joe died; he battled lung infections and substance abuse.
17. Since Joe's passing on 9/11, I have played a much more active role in my sister Philomena's family (Joe's family). Even more time and energy have been spent with her and her kids. I am sure that if Joe were still alive, my role would be an uncle who would help out when I had free time. He would be the one his family would rely on for emotional support as well as financial. But since his passing, Joe's family has relied on my siblings and I to help both emotionally and financially. I still speak to my sister every day. I am still very active in her children's and grandchildren's lives. They are

still an integral part of my immediate family. I hope I was able to be a positive role model for Joe's children and grandchildren since he passed. His life, as his death, will always remain a very important part of who I am. Joe was and always will be my brother by every sense of the word.

18. I read my sister Jennie Mandelino's declaration, which brought back other memories, and I agree with her.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

EXECUTED this 5 day of May, 2017.



James Mandelino